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MINISTRY OF LAW

(Legislative Department)

New Delhi, the 24th January, 1961/*Magha* 4, 1882 (*Saka*)

THE NAGALAND (TRANSITIONAL PROVISIONS) REGULATION, 1961

No. 2 OF 1961

Promulgated by the President in the Eleventh Year of the Republic of India.

A Regulation to make certain transitional provisions for the administration of Nagaland and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (*1*) This Regulation may be called the Nagaland (Transitional Provisions) Regulation, 1961. Short title, extent and commencement.

(*2*) It extends to the whole of Nagaland.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Interpretation.

2. (*1*) In this Regulation,—

(*a*) "Commissioner" means the Commissioner appointed under sub-section (*2*) of section 4 of the Naga Hills-Tuensang Area (Administration) Regulation, 1957; 6 of 1957.

(*b*) "Governor" means the Governor of Assam;

(*c*) "prescribed" means prescribed by rules made under this Regulation.

(*2*) The areas comprised in the Naga Hills-Tuensang Area shall be known by the name of Nagaland and any reference in any existing law to the Naga Hills-Tuensang Area shall be construed as a reference to Nagaland.

Interim Body.

3. (*1*) With effect from such date as the Governor may, by notification in the Official Gazette, appoint in this behalf, there shall be established a Council for Nagaland by the name of the Interim Body.

(*2*) The Interim Body shall consist of forty-five members chosen by election from the tribes in Nagaland, in accordance with such rules as may be made in this behalf having due regard to the customs and usages of the tribes.

(*3*) If any tribe which is required to elect any member fails to do so by a date appointed by the Governor in this behalf, the Interim Body shall be deemed to be established with the members elected before the said date and any vacancy therein on that date shall be deemed to be a casual vacancy.

(*4*) The Interim Body shall, as soon as may be, choose a member of that Body to be the Chairman thereof and, so often as the office of Chairman becomes vacant, the Interim Body shall choose another member to be the Chairman.

Oath or affirmation by members.

4. Every member of the Interim Body shall, before taking his seat, make and subscribe before the Governor, or some person appointed in that behalf by him, an oath or affirmation in the prescribed form.

Vacancies, etc., not to invalidate acts or proceedings of Interim Body.

5. No act or proceeding of the Interim Body shall be invalid by reason only of the existence of any vacancy among its members, or any defect in the constitution thereof.

Duration of Interim Body.

6. The Interim Body shall continue for a period of three years from the date appointed for its first meeting:

Provided that the Governor may at any time before the expiry of the said period dissolve the Interim Body.

Resignation of office by Chairman or other members.

7. (*1*) The Chairman or any other member of the Interim Body may resign his office by giving notice in writing to the Governor.

(*2*) A casual vacancy caused by the resignation of the Chairman or any other member under sub-section (*1*) or for any other reason shall be filled by fresh election.

Allowances of members.

8. Members of the Interim Body shall be entitled to receive such travelling and other allowances, if any, as may be prescribed.

Meetings of Interim Body.

9. (*1*) The Interim Body shall meet at least once in every four months.

(*2*) All questions which come before any meeting of the Interim Body shall be decided by majority of votes of the members present and voting and in the event of an equality of votes, the Chairman shall have a casting vote.

(*3*) Subject to the provisions of this section, the Interim Body shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed.

Functions of Interim Body.

10. (*1*) The Interim Body shall have the right to discuss, and make recommendations to the Executive Council on,—

(*a*) matters of administration involving general policy and schemes of development;

(*b*) any other matter referred to it by the Executive Council:

Provided that the Interim Body shall not discuss any matter exclusively affecting, or relating to, the Tuensang District except with the consent of all the members from that District.

(*2*) Without prejudice to the generality of the provisions of sub-section (*1*), the Interim Body may make recommendations to the Executive Council in regard to the constitution and composition of the Legislative Assembly of the State of Nagaland, the manner in which members thereof shall be chosen and all matters connected therewith or incidental thereto.

(3) The functions of the Interim Body referred to in this section will be advisory only, but due regard shall be given to such advice by the Executive Council in reaching decisions or in making recommendations to the Governor.

Executive Council.

11. (1) There shall be an Executive Council to assist and advise the Governor in the exercise of his functions in relation to such matters (other than finance and the maintenance of public order) as may be specified by the Governor in this behalf:

Provided that the Governor may, in respect of any question relating to financial matters or the maintenance of public order, consult the members of the Executive Council.

(2) The Executive Council shall consist of such members of the Interim Body, not exceeding five in number, as the Governor may appoint after obtaining the recommendations of that Body.

(3) The Executive Council shall, as soon as may be, choose a member of the Council to be the Chairman thereof, and so often as the office of Chairman becomes vacant, the Council shall choose another member to be the Chairman.

(4) The Governor may make rules for the more convenient transaction of the business of the Executive Council and for the allocation of the said business among the members thereof and for the association of the members of the Executive Council with the Commissioner in the administration of Nagaland.

(5) The members shall hold office during the pleasure of the Governor.

(6) Any such member who ceases to be a member of the Interim Body shall also cease to be a member of the Executive Council.

(7) The salaries and allowances of members shall be such as the Governor may, from time to time, determine.

Village, Range and Tribal Councils.

12. (1) With effect from such date as the Commissioner may appoint in this behalf, there shall be a Village Council for each village, a Range Council for each range and a Tribal Council for each tribe.

(2) The Interim Body may, with the previous approval of the Governor, make bye-laws regulating—

(a) the constitution of Village, Range and Tribal Councils;

(b) the powers exercisable by the said Councils in disputes involving breaches of customary laws and usages; and

(c) the powers exercisable by the said Councils in relation to such other matters as may be prescribed.

Power to make rules.

13. (*1*) The Governor may, by notification in the Official Gazette, make rules to carry out all or any of the purposes of this Regulation.

(*2*) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the election of members of the Interim Body; and the form in which oath or affirmation may be made and subscribed by the members thereof;

(*b*) the manner in which casual vacancies in the Interim Body may be filled;

(*c*) the travelling and other allowances payable to the members of the Interim Body;

(*d*) the meetings of the Interim Body and the procedure for transaction of business thereat;

(*e*) the allocation of business among the members of the Executive Council and functions of the Executive Council;

(*f*) the Village, Range and Tribal Councils; and the matters in respect of which the Interim Body may make bye-laws in relation to the said Councils;

(*g*) any other matter which has to be, or may be, prescribed.

Saving of Regulation 6 of 1957.

14. The provisions of this Regulation shall be in addition to, and not in derogation of, the provisions of the Naga Hills-Tuensang Area (Administration) Regulation, 1957.

RAJENDRA PRASAD,

President.

R. C. S. SARKAR, Secy.

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